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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

CONRAD CASAS GRANADOS,

Defendant and Appellant.

F072284

(Super. Ct. No. MF006716A)

OPINION

THE COURT*

APPEAL from an order of the Superior Court of Kern County. Michael B. Lewis, Judge.

J. Edward Jones, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Levy, Acting P.J., Kane, J. and Smith, J.

Appellant Conrad Casas Grandos filed a petition for resentencing pursuant to the provisions of Proposition 47. (Pen. Code, § 1170.18.)¹ The trial court denied the petition, finding that appellant was ineligible under the terms of the statute. Appellate counsel filed a brief asserting she could not identify any arguable issues in the case. (*People v. Wende* (1979) 25 Cal.3d 436.) By a letter dated February 2, 2016, we invited appellant to inform us of any issues he would like this court to address. Appellant did not respond. We affirm the trial court's order.

On May 10, 2005, appellant was convicted of possession of a controlled substance in a place where prisoners are in custody, a violation of section 4573.6, a felony.

On August 3, 2015, appellant petitioned to have this conviction reduced to a misdemeanor pursuant to Proposition 47 (§ 1170.18, subds. (b) and (d).)

On August 12, 2015, the prosecution responded to this request, arguing that the convicted offense was not eligible for reduction pursuant to section 1170.18.

At the hearing held on September 1, 2015, the court denied the petition, reasoning “that 4573.6 is not eligible for relief under 1170.18 as no modification or amendment to that offense is in the legislation.”

On September 2, 2015, appellant filed a timely notice of appeal.

Upon review of the record, we agree appellant was ineligible for resentencing. Proposition 47 was enacted on November 4, 2014, and became effective the next day. (*People v. Rivera* (2015) 233 Cal.App.4th 1085, 1089.) Proposition 47 renders certain drug- and theft-related offenses as misdemeanors. Proposition 47 also created a new statutory provision whereby a person who has completed serving a felony sentence for a reclassified offense can petition to have the offense designated a misdemeanor. (§ 1170.18, subd. (f).) Section 1170.18, subdivision (a) lists those offenses which

¹ All further statutory references are to the Penal Code unless otherwise noted.

potentially are eligible for reclassification as a misdemeanor; section 4573.6 is not among them.

Following an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The order denying appellant's petition for resentencing pursuant to Proposition 47, is affirmed.